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SEP 20 2005

In re Application of
Tsang et al
Application No. 09/144,579
Filed: August 31, 1998
Attorney Docket No. 1138-71

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: **OFFICE OF PETITIONS**
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.137(b)**
:

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 13, 2003, which set a shortened statutory period for reply of three (3) months. A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained on September 16, 2003 (certificate of mailing date of September 15, 2003). On September 16, 2003, Applicants filed an improper Request for Continued Examination (RCE) in reply to the March 13, 2003 Office action, as set forth in the notice to applicants mailed on July 6, 2004. As the RCE was not accompanied by a reply to the March 13, 2003 Office action, this application became abandoned at midnight on September 15, 2003. A Notice of Abandonment was mailed on August 5, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of March 13, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Rafael Bacares at (571) 272-3276 or, in his absence, to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2811 for further action.


Frances Hicks

Petitions Examiner
Office of Petitions